



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 4, 1992

Mr. Donald L. Little  
Chief of Police  
City of Deer Park  
P. O. Box 700  
Deer Park, Texas 77536-0700

OR92-639

Dear Mr. Little:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17299.

The City of Deer Park (the "city") has received a request for a copy of a 1988 police offense report and related documentation concerning a particular child abuse investigation. We understand that the city instituted the investigation after notice from the Harris County Child Protective Services of an alleged assault on a child by his father.

You assert that the requested information is excepted from required public disclosure by section 3(a)(1) of the Act. We agree. Section 3(a)(1) excepts from required public disclosure information made confidential "by law, either Constitutional, statutory, or by judicial decision." Chapter 34 of the Family Code requires either state or local agencies to investigate incidents of child abuse and neglect. Investigative documents are made confidential by section 34.08 of the chapter. That section provides in pertinent part:

Except as provided in Subsections (b) and (c) of this section, the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code under regulations adopted by the investigating agency.

...

Family Code § 34.08(a). The exceptions provided in subsections (b) and (c) are not relevant here.<sup>1</sup> You also do not mention any local regulation adopted by the city that would either permit or require release of the requested information in this instance. Consequently, section 34.08 of the Family Code makes the requested information confidential, and you must withhold it pursuant to section 3(a)(1) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-639.

Yours very truly,



Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

CAB/lmm

Ref.: ID# 17299

Enclosure: Submitted documents  
Open Records Decision Nos. 587, 440

cc: Mr. Gary S. Cunningham  
813 Bayou Vista Drive  
Deer Park, Texas 77536  
(w/o enclosures)

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<sup>1</sup>Those two subsections state that the adoptive or prospective adoptive parents of a child who was the subject of a chapter 34 investigation or an adult who was the subject of the investigation may examine and copy the investigative records. See also 40 T.A.C. §§ 49.514, 49.602.